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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,019	07/06/2001	Russell D. Millett	19012.00	6048

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07/19/2002

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EXAMINER

ROWAN, KURT C

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 07/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/899,019

Applicant(s)  
MILLETT

Examiner  
KURT ROWAN

Art Unit  
3643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the net secured to only on e pair of sides must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 14, 15, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Holyoak.

The patent to Holyoak shows a multipurpose fishing net having a rigid frame 11, a floatation device 30, 31, 32, 45, 46 affixed to the frame and a single ply of flexible net material 12'. In

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reference to claim 2, Holyoak shows the frame as rectangular with opposing first and second sides 12, 13 and opposing third and fourth sides 14, 15. In reference to claim 3, Holyoak shows the frame formed from first through fourth lengths 12-15 of hollow tubular material and the lengths are joined to one another by four 90 degree elbows 16 as shown in Fig. 1. In reference to claim 5, Holyoak shows the net material secured to each of the four sides of the frame by ties 27.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holyoak.

The patent to Holyoak shows a multipurpose fishing net as discussed above. In reference to claims 6 and 18, Holyoak secures the net to the frame by ties 27 on each of the four sides, but it would have been obvious to secure the net only on two sides for the purpose of emptying the net.

6. Claims 4, 7-13, 16, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holyoak as applied to claim 1 above, and further in view of Nelson et al (4,890,413).

The patent to Holyoak shows a multipurpose fishing net as discussed above, but does not show a floatation device comprising four sections of cylindrical closed cell foam or a tether connected to

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the frame. The patent to Nelson shows four sections of foam floatation mounted on a frame and a tether 61-62 secured to and extending from the frame. In reference to claims 4 and 11, 16, it would have been obvious to provide Holyoak with more floatation such as shown by Nelson for the purpose of increasing the buoyancy of the device. In reference to claims 7 and 8, 19, Nelson shows a tether means 61-62 secured to and extending from the frame. The tether connects with straps 58, 63 which connect to frame 37. In reference to claim 9, Holyoak shows a rectangular frame as discussed in reference to claim 2. In reference to claim 10, see the rejection of claim 3, above. In reference to claim 12, see the rejection of claim 5, above. In reference to claim 13, see the rejection of claim 6, above.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Krc, Poirot, Brown, Jacob, Richardson, Butler, Baloun, and Billings show other multipurpose nets.

8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KURT ROWAN** whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday  
from 6:30 a.m. to 5:00 p.m.

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The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Kurt Rowan", with a checkmark at the end.

KURT ROWAN

PRIMARY EXAMINER

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July 17, 2002